

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, AT 3:00 P.M. ON THE 20TH DAY OF DECEMBER 2011.

BOARD OF SUPERVISORS PRESENT:

DORETHA E. MOODY- CHAIR	ELECTION DISTRICT 4
JOHN V. TALMAGE – VICE CHAIR	ELECTION DISTRICT 3
HARRISON A. MOODY	ELECTION DISTRICT 1
DONALD L. HARAWAY	ELECTION DISTRICT 2
DANIEL D. LEE	ELECTION DISTRICT 5

ADMINISTRATION

PRESENT: W. KEVIN MASSENGILL, COUNTY ADMINISTRATOR
ANNE HOWERTON, DIVISION CHIEF OF FINANCE AND GENERAL SERVICES
TYLER C. SOUTHALL, COUNTY ATTORNEY

=====
The Chair called the meeting to order at 3:00 p.m.

1.2.& 3. ROLL CALL – INVOCATION – PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Mr. Lee
Mr. Moody
Mr. Haraway
Mr. Talmage
Ms. Moody

4. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

Upon motion of Mr. Haraway, seconded by Mr. Lee,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the agenda is adopted as presented.

Ayes: Mr. Moody, Mr. Lee, Mr. Haraway, Mr. Talmage, Ms. Moody

Nays: None

5.A. CONSENT AGENDA: APPROVAL OF MINUTES FOR OCTOBER 25, 2011 SPECIAL MEETING

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the October 25, 2011 Special Meeting Minutes are approved.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
 Nays: None

**CONSENT AGENDA: APPROVAL OF MINUTES FOR NOVEMBER 1, 2011
 SPECIAL MEETING**

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the November 1, 2011 Special Meeting Minutes are approved.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
 Nays: None

**CONSENT AGENDA: APPROVAL OF MINUTES FOR NOVEMBER 15, 2011
 REGULAR MEETING**

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the November 15, 2011 Regular Meeting Minutes are approved.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
 Nays: None

5. B. CONSENT AGENDA: CLAIMS

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
 Nays: None

CLAIMS	11/10/11	11/18/11	11/22/11	12/2/11	12/9/11	PAYROLL 11/30/11	
	Void 1080463	Void 1080521	No Void	No Void	No Void	No Void	
	1080464- 1080520	1080522- 1080609	1080752- 1080756	1080809- 1080990	1080991- 1081083	1080757- 1080780	TOTALS
101 - General Fund	\$82,680.57	\$213,948.35	\$5,392.79	\$283,487.48	\$79,073.11	\$928,325.06	\$1,592,907.36
103 - Jail Commission					\$27,103.70	\$583.59	\$27,687.29
104 - Sesquicentennial Committee							\$0.00
105 - Recreation	\$91.79	\$222.95		\$1,078.43		\$1,208.38	\$2,601.55
202 - Medical Center							\$0.00

209 - Litter Grant Fund							\$0.00
210 - Community Development							\$0.00
219 - CSA	\$600.00			\$1,200.00	\$400.00		\$2,200.00
226 - Law Library							\$0.00
228 - Fire Programs & EMS	\$416.81				\$31,997.07	\$1,375.23	\$33,789.11
229 - Forfeited Asset Sharing Program					\$192.50		\$192.50
301 - School Construction							\$0.00
305 - Capital Projects Fund	\$471.55	\$135,723.38		\$2,014.45	\$2,878.35		\$141,087.73
401 - County Debt Service				\$21,238.88			\$21,238.88
TOTALS	\$84,260.72	\$349,894.68	\$5,392.79	\$309,019.24	\$141,644.73	\$931,492.26	\$1,821,704.42

5. C. CONSENT AGENDA: SCHOOL BOND REQUISITION FROM PROJECT FUND

The Board received the following requisitions from William David Clark, Superintendent of Schools. These requisitions were approved by the School Board at their meeting on Tuesday, December 13, 2011.

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$2,244.60 from the VPSA 2007 Bonds, is approved.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

No. ES-70

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

FROM: The Industrial Development Authority of Dinwiddie County, Virginia,
Project Fund

DATE: December 13, 2011

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 2,244.60	Old Dominion Landscapes, LLC	Landscape (Installation of Leyland Cypress)

\$ 2,244.60 TOTAL OF THIS REQUISITION

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$193,445.00 from the VPSA 2007 Bonds, is approved.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

No. FH-27

REQUISITION FROM THE PROJECT FUND

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
VPSA 2007 Bonds

TO: PFM Asset Management

FROM: The Industrial Development Authority of Dinwiddie County, Virginia,
Project Fund

DATE: December 13, 2011

The undersigned Authorized County Representative requests that you make the following disbursements from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 151,278.00	Harlan Construction Co., Inc.	Construction Services
\$ 42,167.00	Harlan Construction Co., Inc.	Construction Services
\$ 193,445.00	TOTAL OF THIS REQUISITION	

5.D. CONSENT AGENDA: AMBULANCE BILLING UNCOLLECTIBLE ACCOUNTS – October 2011

The Board received the memo below from Anne Howerton, Division Chief of Finance and General Services.

The ambulance billing company, Fidelis, has 5 patient accounts totaling \$1,444.18 which they have deemed to be uncollectible. They would like approval from the Board to write these accounts off as bad debt. Fidelis has followed their protocol of sending four bills to the patients, and they will turn these accounts over to the County if they aren't approved for

write off. Most of these patients have been determined to be self pay or are deceased. Our recommendation is to write off the \$1,444.18 as bad debt in keeping with the Board's previous policy of writing off self-pay ambulance accounts.

	Oct-11
Accounts Receivable Beg Balance	407,185.89
Monthly Billings	75,885.60
Cash Collections	-51,202.95
Contractual Adjustments	-28,189.31
Bad Debt Write Off	-1,444.18
Other Adjustments*	1,292.19
Refunds	0.00
Accounts Receivable End Balance	403,527.24
2/1/03 to 10/31/11 Ratios	
Collections / Total Billing	49.53%
Bad Debt Write Off / Total Billing	23.33%

We are asking for approval of the following resolution:

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize Fidelis to write off the 5 accounts totaling \$1,444.18 in uncollectible ambulance charges.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

5.E. CONSENT AGENDA: FY2012 APPROPRIATION AMENDMENT – COMMUNITY DEVELOPMENT FUND BALANCE & GRANT AWARDS

The Board received the information below from Anne Howerton, Division Chief of Finance & General Services.

BACKGROUND

Special revenue funds can only be spent for specific purposes, and since their fund balances do not revert to the General Fund at year end, the ending balances need to be re-appropriated for each fiscal year. Once the year-end fund balances are verified by the FY 2011 audit, the correct expenditure appropriations for these funds can be determined by Staff and appropriated by the Board. In addition, grants awarded prior to FY 2012 may not have been entirely expended and/or reimbursed, so those grant-related revenues and expenditures also need to be re-appropriated in FY 2012. The Community Development Fund needs to be amended to reflect on-going grant awards and fund balance as 6/30/11.

LAST BOARD ACTION

On May 17, 2011, the Board of Supervisors approved the County's FY 2012 budget, which included Community Development Fund expenditure appropriations that were based on estimated 6/30/11 fund balances.

REQUESTED ACTION

We are asking for approval of the following resolution.

Upon motion of Mr. Talmage, seconded by Mr. Moody,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby appropriate and amend the FY 2012 revenue and expenditure budgets for the Community Development Fund to equal the amounts listed below:

Description: Expenditure	Revenue	
FY 2011 Cameron Grant	\$ 10,000	\$ 10,000
FY 2009 Tobacco Commission Grant	\$641,238	\$641,238
FY 2011 Community Dev Fund Ending Balance	\$0	\$376,905

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

5.F CONSENT AGENDA: VDOT FORM AM-4.3 ADDITION – COMMERCE WAY

The Board received the resolution and information below from the Virginia Department of Transportation (VDOT).

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resolution of addition of Commerce Way is adopted as presented.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

By resolution of the Board of Supervisors of Dinwiddie County, Virginia in regular meeting on the 20th day of December 2011 adopted the following:

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Dinwiddie County, and

WHEREAS, the Area Land Use Engineer for the Virginia Department of Transportation has advised this Board the street(s), project #0780-026-563-M501, meet the requirements established by the Economic Development Access Program, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Economic Development Access Program, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

Additions Form AM-4.3
Report of Changes in the Secondary System of State Highways

Project/Subdivision Dinwiddie Commerce Park, 0780-026-563-M501

Type Change to the Secondary System of State Highways: Addition

The following addition to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested: the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for change: **Access Project, Industrial**
Pursuant to Code of Virginia statute: **§33.1-229, §33.1-221**

Street Name and/or Route Number

➤ **Commerce Way, State Route Number 780**

Old Route Number: 0

- From: 460 Airport Street
- To: 780 Commerce Way Cul-de-sac, a distance of 0.23 miles.
- Recordation Reference: N/A
- Right of Way width (feet) = 120 Feet

5.G. CONSENT AGENDA: RETENTION SCHEDULE – TREASURER’S OFFICE

The Board received the information below from William E. Jones, Treasurer.

58.1-3129 of the Code of Virginia allows for the destruction of paid Real Estate and Personal Property Tax tickets with the authorization of the governing body. Currently, I am retaining paid records from June 20, 2001. I am asking for authorization to destroy records from June 20, 2001 to December 14, 2004.

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that William E. Jones, Treasurer, Dinwiddie County, in accordance with 58.1-3129 of the Code of Virginia, is authorized to destroy Personal Property Tax tickets from June 20, 2001 to December 14, 2004.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

5.H. CONSENT AGENDA: LICENSING AGENT – DOG TAG DISTRIBUTION

The Board received the information below from William E. Jones, Treasurer, Dinwiddie County.

Mike Barnes has been a licensing agent for our dog tag distribution for many years. He operated out of Bolster’s Store in the Old Hickory section of the county. Mr. Barnes has indicated to me that he would like to discontinue the dog license distribution. He

recommended to me Jason Barnes to continue serving that area as a dog licensing agent with sales to continue at Bolster's Store. I do know Jason and recommend him to you for your approval.

Also, approval is sought to remove Mike Barnes from the Bond Book posted in the Circuit Court Clerk's office and add Jason Barnes at an amount of \$5,000.

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Jason Barnes is authorized to serve the Old Hickory section of Dinwiddie County as a licensing agent for dog tag distribution; and

BE IT FURTHER RESOLVED that Mike Barnes be removed from the Bond Book in the office of the Clerk to the Circuit Court and that Jason Barnes be added at an amount of \$5,000.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

6.A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

The Board received the report below from VDOT.

MAINTENANCE	Bob Zimmerman
<p>Current Maintenance Activities</p> <ul style="list-style-type: none"> • Trash and debris removal on primary routes • Skin patching on secondary routes • Pothole patching performed on primary and secondary routes • Mowing and tree work performed on various primary and secondary routes • Machined shoulders on Route 1 (north and south) • Ditch repairs made on several secondary routes • Dead animal removal on primary and secondary routes • Machined dirt roads • Hand cleaned ditches in Stoney Springs subdivision • Dry run snow removal preparation • Delivered snow removal equipment to vendors • Cleaned cross pipes and debris after inclement weather in various locations 	
LAND DEVELOPMENT & PERMITS	Brian Lokker, P.E.
<ul style="list-style-type: none"> • Dinwiddie Commerce Park – Distribution Center – VDOT approved the entrance/site plans on 11/28/11; Signal warrant addendum comments issued on 12/5/11; VDOT working with County Administration on investigating potential funding opportunities for the warranted Route 460/Commerce Way signal. 	
CONSTRUCTION	Shane Mann, P.E.
<p><u>0085-964-090,N501</u> (85 Concrete Patching)</p> <ul style="list-style-type: none"> • Contractor has completed patching work and will return before Christmas to seal and complete other minor items. • Fixed Completion Date: 10/26/2012 – All work expected to be complete by end of year. <p><u>0001-026-578,M501,B605</u> (Rt. 1 over Stony Creek)</p> <ul style="list-style-type: none"> • Contractor is continuing to work on Phase I operations and plans to set steel beams the second week of December. 	

<ul style="list-style-type: none"> Fixed Completion Date: 5/12/2012 	
0095-964-137,N501(I-95 Paving in Chesterfield /Prince George / Dinwiddie Counties)	
<ul style="list-style-type: none"> Contractor continues paving operations in NBL I-95. Fixed Completion Date: 12/1/2011 – Estimated Completion Date is 12/15/11 	
TRAFFIC STUDIES/SPECIAL REQUESTS	Robert Vilak, P.E.
<ul style="list-style-type: none"> Rt 622 (Baltimore Rd) – Conducted a review of the speed limits. Reviewed existing 45 MPH and statutory 55 MPH sections. Results indicate no justification to lower either limit. 	
PROJECT STATUS	Kerry Batten
<ul style="list-style-type: none"> <u>Fall Transportation Meetings</u> – The Fall Multimodal Transportation Meeting for Richmond District was held November 30, 2011 at the VDOT Central Office Auditorium. 	

Mr. Robert Crandol of VDOT was not scheduled to be present at this meeting. W. Kevin Massengill, County Administrator, offered to pass along any maintenance items the Board may have. He stated that Mr. Haraway had received a report the day prior to this meeting that the van he had requested be moved was moved from the subdivision he had spoken with Mr. Crandol about. The signal light that Mr. Moody was concerned about on Route 460 was addressed in an email to Mr. Moody the day prior to this meeting. It was confirmed that there was a fix needed to the signal light and that has been made. It will be monitored going forward.

Mr. Talmage stated that he had asked about a problem on Smith Grove Road that has not yet been taken care of. The outstanding item concerned a driveway that was washing out on Duncan Road (due to the ditch being completely full of sand, etc.). The culvert pipe under the citizen’s driveway needed to be opened up. Mr. Talmage said he had showed this to Mr. Varney.

Mr. Haraway stated that when traveling east on Route 460 – about 25 feet before crossing the bridge that goes over I-85 South – there is a very rough section of road. He said the road is below grade; and he asked that it be repaired.

7.A. ACTION ITEM: DEPUTY COUNTY ATTORNEY CONTRACT

Tyler C. Southall, County Attorney, presented the information below to the Board. He stated that Ms. Ray has done an outstanding job since 2008.

Upon motion of Mr. Talmage, seconded by Mr. Haraway,

RESOLUTION AMENDING AMANDA BALLARD RAY’S CONTRACT AS DEPUTY COUNTY ATTORNEY FOR DINWIDDIE COUNTY, VIRGINIA

WHEREAS, John C. Blair II resigned his position as County Attorney for Dinwiddie County, Virginia effective August 1, 2011; and

WHEREAS, on July 19, 2011, the Dinwiddie County Board of Supervisors (the “Board”) appointed Deputy County Attorney Amanda B. Ray as Interim County Attorney, such appointment being effective August 2, 2011 and continuing until the appointment of a new County Attorney; and

WHEREAS, Amanda B. Ray served as Interim County Attorney until October 3, 2011

when Tyler Christopher Southall became County Attorney; and

WHEREAS, the Board desires to amend Amanda B. Ray's contract as Deputy County Attorney to provide a higher hourly salary of \$39.90 per hour beginning January 16, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Board that Amanda B. Ray's contract be amended as set forth in the Amendment to Employment Agreement Deputy County Attorney attached hereto as **Exhibit A** with an effective date of January 16, 2012 as discussed and hereby authorizes and directs the County Administrator to execute such amendment on behalf of the County of Dinwiddie.

Ayes: Mr. Lee, Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

Exhibit A

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
DEPUTY COUNTY ATTORNEY

THIS AGREEMENT, made this 20th day of December, 2011 by and between the County of Dinwiddie, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "**Employer**" and Amanda Ballard Ray, hereinafter referred to as "**Employee.**"

WITNESSETH:

WHEREAS, on the 5th day of February 2008, Employee and Employer first entered into an employment agreement wherein Employee agreed to serve, and Employer agreed to accept the service of Employee, as Deputy County Attorney, and on the 18th day of January 2011, Employee and Employer entered into a second employment agreement (the "**Second Employment Agreement**") wherein Employee agreed to continue to serve as Deputy County Attorney and Employer agreed to accept such service; and

WHEREAS, the Board of Supervisors approved both such employment agreements; and

WHEREAS, Employer desires to continue to employ the services of Amanda Ballard Ray as Deputy County Attorney of the County of Dinwiddie, Virginia as provided by §15.2-1502 of the Code of Virginia, 1950, as amended; and

WHEREAS, Employer desires to continue to provide certain benefits and conditions of employment for Employee; and

WHEREAS, Employer desires to continue to secure and retain the service of Employee and to provide inducement for her to remain in such employment; and

WHEREAS, Employee desires to continue to accept employment as Deputy County Attorney of Dinwiddie County;

NOW THEREFORE, in consideration of the foregoing recital and the mutual covenants hereinafter contained the parties agree as follows:

The Second Employment Agreement is hereby referenced and incorporated by reference.

Effective as of January 16, 2012 and pursuant to Section 17 of the Second Employment Agreement, the Employer and Employee hereby agree to amend and restate Section 7 of the Second Employment Agreement to read as follows:

“Employer agrees to pay Employee for her services rendered pursuant to this Agreement Thirty-nine Dollars and 90/100 (\$39.90) per hour, payable in the same number of installments as other County employees receive a salary. Employer agrees to increase Employee’s salary in such an amount as it may determine, but at a minimum equal to the average increase given to other County employees, on the basis of Employee’s satisfactory annual performance evaluation.”

All of the terms and provisions other than Section 7 of the Second Employment Agreement will remain in place without change.

IN WITNESS WHEREOF, the County of Dinwiddie has caused this Agreement to be signed and executed on its behalf by its County Administrator, and the Employee has signed and executed this Agreement, both in duplicate, on the date below.

BY: _____
W. Kevin Massengill
County Administrator

Date: _____

BY: _____
Amanda Ballard Ray

Date: _____

7.B. ACTION ITEM: APPROPRIATION FOR LEGAL DEPARTMENT

Tyler C. Southall, County Attorney, presented the information below to the Board.

LAST BOARD ACTION

The board approved a budget for the County Attorney’s Office in the budget process for the FY 2011/2012 budget. That budget is shown on the attached sheet.

REQUESTED ACTION

We are requesting that the attached budget amendment be approved. Mr. John C. Blair II resigned as the Dinwiddie County Attorney effective August 1, 2011. As a result, Mrs. Amanda Ballard Ray, Deputy County Attorney, became Interim County Attorney from August 2, 2011 until October 3, 2011. During this period, she worked extra hours, resulting in increased salary expense. During this period, Mrs. Luree Thomas also worked extra hours resulting in additional salary expense. In September 2011, the Board of Supervisors entered into a contract with Tyler Southall which paid Mr. Southall \$90,000 per year. This was more than his predecessor, Mr. John C. Blair II, was paid (\$75,000 per year), resulting

in increased salary expense. Today, the Board of Supervisors has been asked to approve a raise for Mrs. Ray, which will result in additional salary expense for the remainder of the year. Advertising expenses increased because of necessary advertisement to fill Mr. Blair's vacancy. Books and subscriptions fees also increased.

Upon motion of Mr. Moody, seconded by Mr. Lee,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby appropriate from the undesignated general fund balance and amend the FY 11/12 budget by the following amounts for the County Attorney's Office Budget:

Ayes: Mr. Haraway, Mr. Lee, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

LEGAL SERVICES
PROPOSED FY 2012 BUDGET AMENDMENT

ACCT#	DESCRIPTION	BUDGET AMOUNT	APPR. AMOUNT	Y-T-D AMOUNT	PROJECTED AMOUNT*	APPROPRIATION AMENDMENT
1101	COUNTY ATTORNEY	75,000.00	75,000.00	24,711.76	77,212.00	2,212.00
1301	PART TIME PARALEGAL PART TIME DEPUTY COUNTY	27,356.00	27,356.00	14,094.56	32,000.00	4,644.00
1302	ATTORNEY	43,225.00	43,225.00	24,575.92	55,352.00	12,127.00
2100	FICA	11,137.00	11,137.00	4,777.63	12,589.00	1,452.00
2210	RETIREMENT - VSRS	12,293.00	12,293.00	2,732.88	12,655.00	362.00
2300	HOSPITAL/MEDICAL PLANS	12,036.00	12,036.00	3,321.80	8,725.00	-3,311.00
2400	GROUP LIFE INSURANCE	210	210	59.5	216.00	6.00
3160	PROF SRVS - OTHER	1,000.00	1,000.00	25	1,000.00	0.00
3600	ADVERTISING	0	0	2,129.41	2,129.41	2,130.00
5210	POSTAL SERVICE	70	70	30.7	70.00	0.00
5230	TELECOMMUNICATIONS	552	552	131.35	552.00	0.00
5810	DUES/MEMBERSHIPS	1,215.00	1,215.00	270	1,215.00	0.00
6001	OFFICE SUPPLIES	500	500	439.98	500.00	0.00
6012	BOOKS AND SUBSCRIPTIONS	0	0	3,054.19	3,100.00	3,100.00
	TOTAL	184,594.00	184,594.00	80,354.68	207,315.41	22,722.00
*	JOHN BLAIR (JUL-AUG)	9,712.00				
	TYLER SOUTHALL (OCT-JUN)	67,500.00				
	AMANDA RAY (JULY-JAN OLD RATE)	31,492.00				
	AMANDA RAY (FEB-JUN NEW RATE)	23,860.00				

8. CITIZEN COMMENTS

The Chair opened the citizen comments period.

1. John Wamsley – Oxford Drive – asked whether what he had read in the newspaper concerning the taxes of a couple of businesses in the county would be discussed.
2. Anne Scarborough – Dinwiddie – said that she would ditto what Mr. Wamsley asked. She thanked the outgoing Board members for their service, and wished them well. She said that she deeply appreciated the many, many phone calls that

Mr. Haraway had accepted from her. She thanked him for asking the questions that he had asked.

3. Mr. Conniver – Dinwiddie – thanked the Board for the work it had done in the past year, and the past number of years. He thanked the three members of the Board who were leaving. He said he thought this was an extremely good Board, as he has the opportunity to attend board meetings in three different counties because of family business. He said he lives in Dinwiddie and he wouldn't change that. He especially thanked Mr. Haraway - in particular for his financial background that the county needed. He said he didn't think the Board was paid very well for what they do – that they attend a lot of meetings besides these that no one knows about.

As no one else was signed up to speak, the Chair closed the citizen comments period.

9. COUNTY ADMINISTRATOR COMMENTS

W. Kevin Massengill, County Administrator, stated that on the agenda under Consultation with Legal Counsel there is a taxation component. He said that in speaking with the County Attorney, and regarding comments that the County Attorney had made at the last meeting in which the issue had been raised about taxes of certain businesses – that certain taxation items are protected under FOIA to be discussed in an environment where negotiations later may be jeopardized by public comments. He said it was not in the sense that the public does not have a right to know, but rather that as you go through negotiations the County wants to be on good legal grounds to do so. Mr. Massengill stated that he could ascertain that in his interactions with Ms. Stevens, Commissioner of the Revenue she has always tried to fight for the utmost of fairness – with residential and commercial as well.

Mr. Massengill said that when “the young Kevin Massengill” came onboard at the County in 2002, one of the first things that the Board started to work on was outside legal counsel in downtown Richmond that would come in on an as-needed basis and the cost that was associated with that process (which was rather significant). He said over several years many members of the current Board saw that it was necessary to have in-house legal counsel. He stated that currently Dinwiddie has one of the best County Attorney offices. He said he would put the current legal staff with any in the region. He said the County is much better for having its own legal County Attorney's office; and it is much more cost effective than outside legal counsel.

Mr. Massengill stated that he wanted to make a clarification: the organizational meeting of the Board of Supervisors will be held on Tuesday, January 3, 2012 at 7:00 p.m. (There was some question as to whether it would be Monday, the 2nd)

Mr. Massengill stated his appreciation to the Chamber of Commerce regarding their Christmas Parade. He also thanked the Sesquicentennial Committee and the Dinwiddie Branch of the Appomattox Regional Library for the Grand Illumination and open house that immediately followed the parade.

Mr. Massengill discussed some of the highlights of the Governor's budget and spending plan. One of the bigger items for localities is VRS (the budget contained funding to systematically reduce the under-funded status of State employees and teachers in the Virginia Retirement System).

W. Kevin Massengill, County Administrator, stated that this would probably be the last formal opportunity he would have to thank the outgoing members of the Board of

Supervisors. He reflected on some of the things this Board has been a part of: the School infrastructure (the largest capital improvement program investment in the county – building a new high school and new elementary school); waste management (this Board has greatly improved the waste management system by creating manned sites); recreation (the Board put some money into the Eastside Community Enhancement Center and it is probably one of the most visited community centers in the region); this Board has invested heavily in new facilities – the outside of Eastside as well as the Sports Complex that opened this past summer; the radio system in public safety; a significant renovation of a fire house at Namozine and a new building at Ford; animal control (Ms. Moody stated when she first came on the Board that one of the things she wanted to accomplish was improvement to the Pound) – a newer facility is now in place and the State Vet just completed a surprise inspection which was passed with flying colors. He highlighted Ms. Moody's work on the Crater Planning Commission and the MPO (during her time on those commissions, Ft. Lee expanded regionally). Mr. Massengill stated that the Board has worked for better relationships with the Constitutional Officers through Memorandums of Understanding and including them in the salary survey. Mr. Massengill stated that Mr. Haraway had come to him with the concern of gangs in his district. He said that out of that concern was the creation of the Gang Prevention Task Force that has been in operation over the past several years. A resident came before the Board with the concern about the unsightly litter along the roadways. Mr. Talmage and staff put their heads together, and the Litter Beautification Task Force was formed resulting in multiple clean-up and beautification days.

He said that Mr. Talmage, on the Meherrin River Regional Jail Authority, recognizing that we were sending more inmates outside of the county than were being kept in the county, was valuable on that Authority. Mr. Massengill stated that Mr. Haraway has been a member of the Social Services Board for many years. He said there was probably not enough time to go over all the accomplishments of Social Services such as Kid Connect, the commodities program, Christmas sharing, etc.

Mr. Massengill stressed that economic development has been a commitment of this Board over the years. He said all of this took place with countless phone calls from citizens, public hearings, in-depth conversations regarding ordinances to be created, budgets, etc. He stated that in talking with this Board and the new members that are coming onboard, that the new members are ready to "hit the ground running", are their own individuals; have a passion for public service, and clearly want to put Dinwiddie County first in all their decision processes.

Mr. Massengill concluded his comments by thanking each of the outgoing Board members for their service, their time and their dedication to the citizens of the county.

10. BOARD MEMBER COMMENTS

Mr. Talmage stated that he wished the new Board members all the luck in the world because at times they will need it. He said to remember that when they make their decisions to make them not just based on one individual, or one group of individuals, but on something that will help the county as a whole. He said he had enjoyed his time on the Board; and that he will miss everyone. He thanked the public for their support and the citizens who had called him. He said he had tried his best to get their problems resolved. He thanked Mr. Massengill and the staff. In closing, Mr. Talmage said that he thought the county had accomplished a lot with the Sports Complex and the Commerce Park. He said he wished the whole county a Merry Christmas and a prosperous and Happy New Year.

Mr. Haraway said he also wanted to take this opportunity to express his appreciation to the people in the county, Board members, staff and other county employees for their friendship, their input, guidance and support during his 17 years on the Board of Supervisors. He said that while he looks forward to enjoying more leisure time, he will miss the board meetings and working with the public. He said you can learn a lot from talking on the phone with the people in Dinwiddie County. He encouraged the new members to listen not only to the people in their district, but to those all over the county. He said he will always cherish this experience on the Board of Supervisors as one of the more satisfying experiences in his life. He wished the new Board the best of luck in their endeavors.

Mr. Lee stated that the first thing he would like to say was regarding the two action items that the Board had approved. He thanked Ms. Ray, Deputy County Attorney, and the County Attorney, Mr. Southall. He said that he thought that the legal staff is doing a good job; and he thought the transition from when Mr. Blair left to when Mr. Southall came onboard was a credit to Ms. Ray's hard work.

Mr. Lee said that now came the hard part for him. He thanked Ms. Moody, Mr. Haraway and Mr. Talmage. He said that he hadn't been on the Board very long, and he appreciated the respect that they showed him while he was on the Board for such a short time. He said he hoped that he brought something to the Board in this short time; and would like to consider them his friends from this point on. He wished them good luck in their endeavors, and asked that they say a prayer for him as he serves on the new Board beginning in January.

Mr. Moody stated that he would like to echo what had been said. He said that all three of the Board members that will be leaving brought a special gift to the Board – a task that each have worked on for the betterment of the county. He said that each have an expertise in different areas. He said that he appreciates the efforts they have made for the county; their time studying the issues, listening to the public's comments, and making decisions based on the betterment of the whole county. He said he will miss working with each of them, and wishes them well in their further endeavors. He wished them a Merry Christmas and a Happy New Year.

Ms. Moody stated that she would also like to thank her fellow Board members for their support, their information and their cooperation. She said she would like to say to the staff that "you have truly been the wind beneath my wings". She wished everyone a Merry Christmas and a healthy, Happy New Year.

11. CLOSED SESSION:

At 3:48 p.m. upon motion of Mr. Moody, seconded by Mr. Talmage,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under:

- a. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- b. §2.2-3711 (A) (1) Personnel Matters:
 - Appointments
 - Crater District Health Advisory Board
 - Crater Planning District Commission (CPCD)

- Metropolitan Planning Organization (MPO)
- District 19 Chapter 10
- Dinwiddie County Airport Industrial Authority
- Dinwiddie County Industrial Development Authority
- Dinwiddie County Planning Commission
- Dinwiddie County Social Services Board
- Virginia's Gateway Region

c. §2.2-3711 (A) (7) Consultation with Legal Counsel Employed or Retained by a Public Body

- Regarding specific legal matters requiring the provision of legal advice by such counsel
- Taxation

Ayes: Mr. Haraway, Mr. Lee, Mr. Moody, Mr. Talmage, Ms. Moody
 Nays: None

At 6:55 p.m. upon motion of Mr. Haraway, seconded by Mr. Lee, the Board reconvened into open session.

Ayes: Mr. Moody, Mr. Lee, Mr. Haraway, Mr. Talmage, Ms. Moody
 Nays: None

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under:

- a. §2.2-3711 (A) (5) Business and Industry Development:
 - Prospective Business & Industry
- b. §2.2-3711 (A) (1) Personnel Matters:
 - Appointments
 - Crater District Health Advisory Board
 - Crater Planning District Commission (CPCD)
 - Metropolitan Planning Organization (MPO)
 - District 19 Chapter 10
 - Dinwiddie County Airport Industrial Authority
 - Dinwiddie County Industrial Development Authority
 - Dinwiddie County Planning Commission
 - Dinwiddie County Social Services Board
 - Virginia's Gateway Region
- c. §2.2-3711 (A) (7) Consultation with Legal Counsel Employed or Retained by a Public Body
 - Regarding specific legal matters requiring the provision of legal advice by such counsel
 - Taxation

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed,

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Haraway, seconded by Mr. Talmage, this Certification Resolution was adopted.

Ayes: Mr. Lee, Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

At 6:57 p.m. upon motion of Mr. Moody, seconded by Mr. Lee,

Ayes: Mr. Haraway, Mr. Lee, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

The Board recessed until 7:00 p.m.

The Chair reconvened the meeting at 7:00 p.m.

12.A. PUBLIC HEARING: PROPOSED AMENDMENT OF THE DINWIDDIE COUNTY ZONING ORDINANCE CONCERNING GROUP HOMES

Amanda Ray, Deputy County Attorney, presented the information below to the Board.

The Chair opened the public hearing in this case.

1. John Wamsley – Sutherland – spoke about concerns about group homes.

As no one else was signed up to speak to this matter, the Chair closed the public hearing.

HISTORY

At its December 2010 meeting, the Board considered several proposed ordinances which would have revised the treatment of group homes within the Dinwiddie County Zoning Ordinance. After much discussion, the proposed ordinances failed to garner enough votes for approval. Staff has revised the proposed ordinances to address Board members' concerns.

Staff presented the revised ordinances to the Board on December 6, 2011. On that date, the Board passed an initiating resolution, which directed the Dinwiddie County Planning Commission review the proposed ordinances, hold a public hearing, and make its recommendation as to the proposed ordinances to the Board.

At its regular meeting on December 14, 2011, the Planning Commission reviewed the proposed ordinances and held a public hearing on them. The Planning Commission had several questions for staff. A few of the most discussed questions included (1) the role played by the various licensing agencies of the Commonwealth of Virginia; (2) real-life

examples of “reasonable accommodations”; and (3) the relationship between the proposed ordinances and existing group homes, including those that may be out of compliance currently with the Dinwiddie Zoning Ordinance but for which the proposed ordinances would provide a method by which they could apply to become compliant. (Note that compliance would not become automatic, but would require approval of a conditional use permit by the Board). Ultimately, the Planning Commission recommended approval of the proposed ordinances by a vote of 7-0.

LAW

Currently, the Dinwiddie County Code permits only group homes of eight persons or fewer who are “mentally ill, mentally retarded, developmentally disabled, or handicapped” by-right in areas zoned R-R, RR-1, R-1, R-1A, R-2, A-1, A-2, and PRD. The Code of Virginia requires zoning ordinances for all purposes to consider a residential facility in which no more than eight (a) individuals with mental illness, mental retardation, or developmental disabilities (not including current illegal use of or addiction to a controlled substance) or (b) aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family, if licensed by the applicable department of the Commonwealth of Virginia. Federal fair housing laws and the Americans with Disabilities Act prohibit the use of restrictive definitions of “family” masked as maximum occupancy limitations, where they actually serve to define who constitutes a family, rather than to cap the number of individuals per dwelling in the interest of public safety and prohibit the use of licensing and registration schemes to prejudicially deny permits to build and locate group homes in residential neighborhoods.

PROPOSED ORDINANCES

From the original ordinance. The term “group home” is deleted and in its place are inserted “group home, small” and “group home, large”. “Group home, small” is defined as a group home meeting the Virginia Code requirements stated above. These group homes would be allowed by-right in all areas in which a single family residence is allowed by-right. “Group home, large” is defined as a group home meeting the Virginia Code definition except for number of residents (i.e., homes exceeding eight residents). These group homes would be allowed with a conditional use permit in all areas in which a single family residence is allowed by-right. The term “hospital” also is updated to accommodate assisted living-type facilities as group homes.

Included to address Board concerns. Proposed Section 22-245.2 describes the criteria to be used when evaluating a large group home conditional use permit application. The criteria are taken from United States Department of Justice guidance on group homes. Also, there are no maximum occupancy restrictions proposed in the ordinances. However, group homes are required to be licensed by the Commonwealth of Virginia, either through the Department of Behavioral Health and Developmental Services or the Department of Social Services, as applicable. These entities strictly regulate the group homes as part of the licensure process, including regulating the bedrooms, living space, and kitchen area of each residential facility. The County need not, and due to the extensiveness of the Commonwealth’s regulation in this area, may not regulate these items itself. The proposed ordinances incorporate the Commonwealth’s requirements into the County Code by including in the definitions of “group home, small” and “group home, large” only group homes licensed by the applicable Commonwealth entity.

PROPOSED ACTION

Should the Board wish to adopt the proposed ordinances, the following language is suggested:

Upon motion of Mr. Lee, seconded by Mr. Talmage,

WHEREAS, in accordance with Virginia Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following amendments.

NOW, THEREFORE, BE IT RESOLVED that the proposed ordinance amendments to Chapter 22 of the Dinwiddie County Code concerning group homes are adopted as presented.

Ayes: Mr. Haraway, Mr. Moody, Mr. Lee, Mr. Talmage, Ms. Moody

Nays: None

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-1, DEFINITIONS
CHAPTER 22. ZONING, ARTICLE I. IN GENERAL.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-1. Definitions.

Group home, small: A residential facility in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities, or who are aged, infirm or disabled, reside, with one or more resident counselors or other staff persons. For the purposes of this definition, mental illness and/or developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. Also for purposes of this definition, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services or the Department of Social Services is the licensing authority pursuant to the Code of Virginia.

Group home, large: A residential facility in which nine or more individuals with mental illness, mental retardation, or developmental disabilities, or who are aged, infirm or disabled, reside with one or more resident counselors or other staff persons. For the purposes of this definition, mental illness and/or developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. Also for purposes of this definition, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services or the Department of Social Services is the licensing authority pursuant to the Code of Virginia.

~~Group home: A residential facility in which no more than eight mentally ill, mentally retarded, developmentally disabled, or handicapped persons (as handicap is defined in the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, et seq.) reside, with one or more resident counselors or other staff persons. For the purposes of this section, mental illness, developmental disability and handicap shall not include current, illegal use of or addiction to a controlled substance as such substances are defined in Virginia Code section 54.1-3401 and/or 21 U.S.C. § 3601. For purposes of this section, and unless otherwise required pursuant to 42 U.S.C. § 3601, et seq., the term "residential facility" means any group home or other residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Virginia Department of Social Services, the Virginia Department of Medical Assistance Services, or any other duly authorized state or federal agency, is the licensing authority.~~

Hospital: Any facility (1) owned or operated by an agency of the United States Government, (2) owned and operated by an agency of the Commonwealth of Virginia, or (3) licensed pursuant to Article 1, Chapter 5, Title 32.1 of the Code of Virginia and in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

~~Hospital: An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein.)~~

~~Hospital, special care: An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.~~

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY ADDING SECTION 22-245.2, LARGE GROUP HOMES; CONDITIONAL USE
PERMIT CONSIDERATIONS
CHAPTER 22. ZONING, ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined:

Sec. 22-245.2 Large group homes; conditional use permit factors.

The county shall evaluate conditional use applications for large group homes as follows:

(a) The county will evaluate whether the proposed use is compatible with the county zoning ordinance based on criteria such as parking, traffic, noise, utility use, and other typical zoning concerns.

(b) If the county determines that the use is not compatible with the county's zoning ordinance, the county will evaluate whether one or more reasonable accommodation(s) to the county's zoning laws and regulations will make the use compatible with the county's zoning ordinance.

(c) For purposes of this section, a "reasonable accommodation" to the county's zoning laws and regulations is defined as an exception to a county law and/or regulation which (i) will not impose an undue burden or expense on the county and which (ii) will not create a fundamental alteration in the county's zoning scheme. In evaluating whether the proposed modification satisfies (i) and (ii) above, the county will consider the scope and magnitude of the modification requested and the features of the surrounding neighborhood, among other factors.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-59, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 2. AGRICULTURAL, LIMITED, DISTRICT A-1.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-59. Permitted uses.

In agricultural, limited, district A-1, structures to be erected or land to be used shall be for one or more of the following uses:

(31) Group home, small.

(34) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-71, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 3. AGRICULTURAL, GENERAL, DISTRICT A-2.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-71. Permitted uses.

In agricultural, general, district A-2, structures to be erected or land to be used shall be for one or more of the following uses:

(66) Group home, small.

(72) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-84, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 4. RESIDENTIAL, CONSERVATIVE, DISTRICT R-R.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-84. Permitted uses.

In residential, conservative, district R-R, structures to be erected or land to be used shall be for one or more of the following uses:

(20) Group home, small.

(26) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-96, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 5. RESIDENTIAL, RURAL, DISTRICT RR-1.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-96. Permitted uses.

In residential, rural, district RR-1, structures to be erected or land to be used shall be for one or more of the following uses:

(8) Group home, small.

(14) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-114, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 6. RESIDENTIAL, LIMITED, DISTRICT R-1.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-114. Permitted uses.

In residential, limited, district R-1, structures to be erected or land to be used shall be for one or more of the following uses:

(14) Group home, small.

(20) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-127, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 7. RESIDENTIAL, LIMITED, DISTRICT R-1A.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-127. Permitted uses.

In residential, limited, district R-1A, structures to be erected or land to be used shall be for one or more of the following uses:

(14) Group home, small.

(18) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-140, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 8. RESIDENTIAL, GENERAL, DISTRICT R-2.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-140. Permitted uses.

In residential, general, district R-2, structures to be erected or land to be used shall be for one or more of the following uses:

(23) Group home, small.

(26) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) That this ordinance shall become effective immediately upon adoption.

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED
BY AMENDING SECTION 22-154, PERMITTED USES
CHAPTER 22. ZONING, ARTICLE IV. DISTRICT REGULATIONS,
DIVISION 9. RESIDENTIAL, PLANNED DEVELOPMENT, DISTRICT PRD.**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-154. Permitted uses.

In residential, planned development, district PRD, structures to be erected or land to be used shall be for one or more of the following uses:

(9) Group home, small.

(12) Group home, large, with a conditional use permit, subject to the provisions of Section 22-245.2 herein.

(2) *That this ordinance shall become effective immediately upon adoption.*

12.B. PUBLIC HEARING: PROPOSED CONVEYANCE OF APPROXIMATELY 0.345 ACRES OF REAL ESTATE

This public hearing was postponed.

12.C. PUBLIC HEARING: CASE AP-11-1

Mark Bassett, Director of Planning, presented the information below.

The Chair opened the public hearing in this matter.

As no one was signed up to speak, the Chair closed the public hearing in this matter.

Planning Staff Report

File #:	AP-11-1
Applicant:	Board of Supervisors of Dinwiddie County
Proffer Amendment:	To delete proffered condition five (5)
Current Zoning:	Planned Unit Development Commercial, PUD-C
Property Location:	Commerce Way, Petersburg (Dinwiddie Commerce Park)
Tax Map & Parcel #:	21-127 and 21-151
Magisterial District:	Rohoic District
Property Size:	Approximately 175.41 acres
Related Cases:	P-05-9, BOS approved w/proffers October 4, 2005

CASE OVERVIEW

The applicant, the Board of Supervisors of Dinwiddie County, Virginia, in connection with a proposed transfer and development of a portion of the below-described property, is requesting to amend the original zoning proffers approved on October 4, 2005 by the Board of Supervisors as part of rezoning case P-05-9 by deleting proffer condition five (5), which requires an owner's association be organized pursuant to the subject development. Case P-05-9 rezoned with proffers approximately 175 acres located in the Dinwiddie Commerce Park, on the north side of Airport Road (Route 460) near its intersection with Interstate 85. The property is zoned PUD-C and is further defined as Tax Map parcels 21-127 and 21-

151. The County Comprehensive Land Use Plan places the property with the Urban Planning Area which allows for commercial and industrial development.

ATTACHMENTS

- Original Proffers

AMENDED PROFFERS

The applicant has submitted Amended Proffers to delete condition five (5) to no longer require an owner's association as part of the development of Dinwiddie Commerce Park. When the original proffers were developed by the County to ensure proper development and maintenance of the Commerce Park, it was anticipated that a developer would purchase the Commerce Park property and develop it as a multi-use commercial and light industrial park with multiple end users and multiple property owners at build out. Under the current development situation, with one potential user, a major light industrial user, proposing to locate in the rear portion of property on approximately 95 acres, there is no longer a need for an owner's association. At this point in time the Commerce Park access road, Commerce Way, has been constructed and is to be taken into the VDOT system for maintenance and with the remaining available developable parcels under single ownership by the County the previously anticipated common area maintenance responsibilities are greatly reduced under the current pattern of development. Each owner in the Commerce Park will maintain their own property.

Staff Recommendation:

The planning staff has reviewed the proffer amendment and recommends APPROVAL of the request (AP-11-1) to amend the original Proffers adopted on October 4, 2005 by the Board of Supervisors with the following assurances:

1. The applicant has provided signed proffers addressing the impacts of future development on the subject property; and
2. Future development of the property is subject to Subdivision and Zoning Ordinance development requirements including Planning Commission site plan approval as well as site plan approval by the Planning staff and Land Development Committee.

BOARD ACTION

Upon motion of Mr. Moody, seconded by Mr. Haraway,

BE IT RESOLVED, that pursuant to Section 15.2-2302 of the Code of Virginia, 1950, as amended, condition number 5 is stricken and removed from those certain proffers pertaining to Tax Parcel Nos. 21-127 and 21-151 dated September 14, 2005 and duly recorded as instrument number 050004835 in the Clerk's Office of the Circuit Court of Dinwiddie County, Virginia.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

Proffers

[On file in County Attorney's Office]

Schedule A:

[On file in County Attorney's Office]

13.A. OLD / NEW BUSINESS: APPOINTMENTS

Crater Planning District Commission

Upon motion of Mr. Moody, seconded by Mr. Lee,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Dr. Mark Moore is appointed to the Crater Planning District Commission to complete the unexpired term of Ms. Doretha Moody as the Board of Supervisors representative for a term beginning January 1, 2012 and expiring on December 31, 2012.

Ayes: Mr. Haraway, Mr. Lee, Mr. Moody, Mr. Talmage

Nays: None

Abstain: Ms. Moody

Crater Planning District Commission Commission

Upon motion of Mr. Lee, seconded by Mr. Talmage,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Doretha Moody is appointed to complete the unexpired term of Dr. Mark Moore on the Crater Planning District Commission as the citizen representative beginning January 1, 2012 for a term expiring December 31, 2012.

Ayes: Mr. Moody, Mr. Haraway, Mr. Lee, Mr. Talmage

Nays: None

Abstain: Ms. Moody

Metropolitan Planning Organization (MPO)

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. William D. Chavis is appointed to the Metropolitan Planning Organization (MPO) to complete the unexpired term of Ms. Doretha Moody for a term beginning January 1, 2012 and expiring September 30, 2012.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody

Nays: None

District 19 Chapter 10 Board

Upon motion of Mr. Moody, seconded by Mr. Talmage,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Willadean C. Harrison is reappointed to the District 19 Chapter 10 Board for a term expiring December 31, 2014.

Ayes: Mr. Haraway, Mr. Lee, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

Dinwiddie County Social Services Board

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Ms. Brenda Ebron-Bonner is appointed to the Dinwiddie County Social Services Board as the Board of Supervisors representative to complete the unexpired term of Mr. Haraway for a term beginning January 1, 2012 and expiring on June 30, 2012.

Ayes: Mr. Lee, Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

Virginia's Gateway Region

Upon motion of Mr. Talmage, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Daniel D. Lee is appointed to the Virginia's Gateway Region for a term beginning January 1, 2012 and expiring December 31, 2012.

Ayes: Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None
Abstain: Mr. Lee

Dinwiddie County Water Authority

Upon motion of Mr. Moody, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Norman C. Olgers, Jr. is reappointed to the Dinwiddie County Water Authority for a term expiring on December 31, 2015.

Ayes: Mr. Lee, Mr. Haraway, Mr. Moody, Mr. Talmage, Ms. Moody
Nays: None

13.B. OLD / NEW BUSINESS: RESOLUTION – ABANDONMENT OF CHEROKEE DRIVE SOUTH OF THE RAILROAD TRACK

Tyler C. Southall, County Attorney, presented the resolution below to the Board.

Upon motion of Mr. Haraway, seconded by Mr. Talmage,

RESOLUTION REGARDING ABANDONMENT OF CHEROKEE DRIVE ACROSS AND SOUTH OF THE RAILROAD TRACK

WHEREAS, it appears to this Board that such portions of Cherokee Drive that cross or are south of the Norfolk and Western Railway line (the "Dirt Lane") for which an easement was granted by Dortch et al. to Dinwiddie County in 1961 at Deed Book 112, Page 62, no longer serve a public necessity; and

WHEREAS, the Dirt Lane was never taken into the Secondary System of State Highways.

NOW, THEREFORE BE IT RESOLVED that the Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid Dirt Lane, pursuant to §33.1-156 of the Code of Virginia, 1950, as amended.

Ayes: Mr. Moody, Mr. Lee, Mr. Haraway, Mr. Talmage, Ms. Moody
Nays: None

13.C. OLD / NEW BUSINESS: ELECTION CERTIFICATION

Tyler C. Southall, County Attorney, requested that it be noted that in accordance with Virginia State Code §24.2-675, that a certified copy of the votes from the November 8, 2011 election has been forwarded to the clerk of the Board of Supervisors and filed with the official records of the county; and notice of this be recorded in the Board of Supervisors record book. Furthermore, be it noted that on December 20, 2011 that the oath of office was officially given by Barrett Chappell, Clerk of the Circuit Court of Dinwiddie County, to the Board of Supervisors.

Abstract of votes for Dinwiddie County Board of Supervisors:

	<u>Total Votes</u>
Harrison A. Moody	906
Dr. Mark E. Moore	1063
William D. Chavis	596
Daniel D. Lee	902
Brenda K. Ebron-Bonner	499

This was presented to the Board for informational purposes.

14. CITIZEN COMMENTS

The Chair opened the citizen comments period.

1. John Wamsley – Sutherland – said that as his representative in District 2 Mr. Haraway had been a pleasure to work with. He said that Mr. Haraway had looked out for the county's interest and that he, and the UVOTID Group, acknowledged what Mr. Haraway had done. He welcomed the new Board members.

2. Burton Davis – 1924 Sutherland Road – said it had been a pleasure working with everyone, even though they may not see eye to eye on everything. He congratulated the new Board members.

3. Alvin Langley – 8113 Siding Drive – Church Road – said his reason for being present at this meeting was two-fold. First, he wanted to thank the outgoing Board for the dedication they had given to the county. To the new in-coming Board, he said that he looks forward to a great pleasure of working with them for a long time and hopes that Dinwiddie County will continue to move forward. He said the Fire Rescue Association met a couple of weeks ago because of articles in the newspaper about the potential of not having a Fire Marshal in Dinwiddie County. He said they were at this meeting to express their concerns regarding that matter. He said that for public safety and the citizens' welfare that all buildings should be inspected, and made to stay up to code. He said it is a public safety issue. He stated that the Fire Marshal position was vital to the volunteers. He said the person that was in that position had done a great deal for them – things they could not do because they had full-time jobs: he did grant writing; dry hydrants were checked; working with Social Services to make sure the elderly who couldn't get out had were attended to and had smoke detectors; and public education. He said the current public safety staff is so overworked that they aren't able to take these things on.

4. Joshua Stout – 11104 Bourdon Creek Road – McKenney – thanked the Board for their time and stated that he echoed the words that Mr. Langley spoke regarding the Fire Marshal position.

As there was no one else signed up to speak, the Chair closed the citizen comments period.

Mr. Harrison A. Moody stated that as senior member of the Board of Supervisors he has had the opportunity to work with a lot of board members over the years, and the three out-going board members have been truly dedicated to the job. They have worked tirelessly, long hours to do what is in the best interest of Dinwiddie County. He said that each one has a special talent that they brought to the Board. He thanked all of them for serving tirelessly on this Board to serve the county. As a token of appreciation, he presented each outgoing Board member with a plaque on behalf of the county.

15. ADJOURNMENT

Upon motion of Mr. Talmage to adjourn, seconded by Mr. Haraway,

Ayes: Mr. Lee, Mr. Moody, Mr. Haraway, Mr. Talmage, Ms. Moody

Nays: None

The meeting was adjourned at 7:38 p.m.

Doretha E. Moody, Chair

ATTEST: _____
W. Kevin Massengill
County Administrator
Clerk to the Board

After adjournment of the regular meeting, Mr. Barrett Chappell, Clerk of the Circuit Court conducted the swearing in ceremony of the newly elected Board of Supervisors, Constitutional Officers and School Board.

SWEARING IN OF NEWLY ELECTED BOARD OF SUPERVISORS – CONSTITUTIONAL OFFICERS & SCHOOL BOARD

Mr. Barrett Chappell, Clerk of the Circuit Court, came forward to swear in the Board of Supervisors members, Constitutional Officers and School Board members elected in November 2011.

Mr. Chappell read the following to the Board of Supervisors:

“Do you swear that you will support the Constitution of the United States and the Constitution of the State of Virginia and that you will faithfully and properly discharge and perform all the duties as a member of the Dinwiddie County Board of Supervisors according to the best of your ability, so help you God.”

The following signified they would by saying “I do”, Mr. Harrison A. Moody; Mr. Daniel D. Lee; Ms. Brenda K. Ebron-Bonner; Mr. William D. Chavis; and Dr. Mark E. Moore

Similar oaths were given to the new School Board members: Ms. Kelley B. Frakes; Ms. Barbara T. Pittman; Mr. Greg K McCammon; Ms. Sherilyn H. Merritt; Mr. William R. Haney; and to the newly elected Constitutional Officers: Ms. Jennifer C. Perkins; Mr. Donald T. Adams; Mrs. Lori K. Stevens; and Ms. Lisa Caruso.